

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 5 MARCH 2020
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
A	Steven Bull, Vice Chairman
X	Michael Farina
X	Jamin Laurenza, Secretary
X	Wayne LePard
A	Dan Luisi
X	Edward Wallor, Chairman
A	Robert Braren, Alternate
X	Alan Chadwick, Alternate - Seated
A	Larry Maggi, Alternate
X	Bill Warner, AICA Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Wallor, Chairman, called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular members, as well as alternate member, Mr. Chadwick, were seated.

4. Additions/Corrections to the Agenda

There were no additions/corrections to the agenda.

5. Public Comments

Melissa Schlag, Haddam, reviewed Item 9. Chairman's Report, page 3, paragraphs 2-4, of the 20 February 2020 unapproved minutes. Ms. Schlag noted that Mr. Wallor had mentioned three times that Mr. Madore had a business located on site; and asked what the business is. Mr. Wallor stated he does not know exactly what Mr. Madore does on the site, but they do some form of recycling of materials. Ms. Schlag asked if anyone has reviewed the minutes where Mr. Madore's application was heard. Mr. Wallor stated yes, and that the application came in for a zone change and was denied; a site walk was conducted, and the special permit application was withdrawn by his representative. Ms. Schlag asked if Mr. Madore currently had a permit to have a recycling facility, to authorize a business. Mr. Wallor stated to the best of his knowledge no; however, whatever is taking place on site is covered under the right to farm. Ms. Schlag asked if P&Z would consider having the Zoning Enforcement Officer (ZEO) go out to the site. Ms. Schlag stated she was on the original site walk and noted that there are a lot of trucks on Beaver

Meadow Road. Ms. Schlag also stated if it's a business, she's not clear as to whether it would fall under the designation of a farm with what's being done up there. Mr. Wallor stated he would take it under consideration.

Mark Lundgren, Higganum, stated he spent a lot of time looking into this matter; and at that time, the agricultural use was by right, therefore, Mr. Madore didn't need a permit. Ms. Schlag asked if crushing stone and stockpiling it are considered farming and noted that leaves are there as well.

6. Public Hearings/Public Meeting:

1. Request for a Special Permit to Allow for 24/7 Fitness Gym in Existing Facility. 66 Killingworth Road. Map 14 Lot 29-1. Applicant: Polke Grace Associates.

Jeff Polke, owner/applicant, and Merle McKenzie, HK Fitness, owner, were present.

Hearing: Mr. Wallor opened the hearing at 7:05 p.m.

Mr. Polke stated there have been a couple of changes since the application originally was submitted. 1) Change in ownership of the building. Mr. Polke stated Mr. McKenzie has purchased the building. Mr. Polke also stated although Mr. McKenzie is present, he will be speaking on his behalf regarding the application. 2) The business is not a 24/7 gym. Mr. Polke stated HK Fitness, which has been operating at 23 Killingworth Road for approximately three (3) years, will be relocating to 66 Killingworth Road. Mr. McKenzie stated his hours are 4:00 a.m. to 11:00 p.m. Mr. Polke stated this is merely for clarification purposes.

Mr. Wallor asked if Mr. McKenzie is willing to abide by all of the previous conditions – signage, hours of operation (need to be amended to match HK Fitness), etc. Mr. Polke stated there is currently a CrossFit gym in the back half of the building; that his company, GCI, has vacated the front of the building which Mr. McKenzie will be converting for his gym; and in July CrossFit will be relocating to another building in town. Mr. Polke stated he had a letter from the owner of CrossFit indicating that he will not be renewing his lease; and if the Commission had any questions for the owner of CrossFit, he was in attendance.

Mr. Warner asked what will go into the CrossFit space once they vacate. Mr. Polke and Mr. McKenzie stated it's unclear at this time. Mr. Polke stated if anything were to go back there, it would need to come before the Commission.

Mr. Warner reported there was a previous noise issue (complaints received from a few people) and asked how HK Fitness would differ from CrossFit. Mr. Polke clarified that two (2) people complained out of seven (7) neighbors and had Mr. McKenzie address the differences between the two businesses.

Mr. McKenzie stated it is his understanding that the majority of the noise associated with CrossFit has been abated and will be relocating. Mr. McKenzie stated HK Fitness is not a CrossFit and they do not drop weights, the doors aren't open, and they do not workout outside. Mr. McKenzie stated his business is very similar to an Anytime Fitness Center, just his version of it, with a key fob entry, treadmills, and other exercise machines.

Mr. Laurenza asked where the CrossFit will be relocating to. Mr. McKenzie stated he does not know as it's not his business, but that he wished they would stay as he feels it would be a great one stop shop for fitness, a great symbiotic relationship, and he would have a tenant. Mr. McKenzie wished the owners of CrossFit only the best.

Mr. Wallor asked the hours of operation. Mr. McKenzie stated 4:00 a.m. to 11:00 p.m., seven (7) days.

Mr. Polke submitted a letter of support, dated 4 March 2020, from Greg McKenna, owner, Nutmeg Pharmacy and Plaza, where HK Fitness currently operates (Exhibit A; copy on file in the Town Clerk's Office with the minutes). In his letter, Mr. McKenna indicated that HK Fitness never created a noise or parking problem.

Mrs. Block asked if the current parking spaces will be sufficient. Mr. McKenzie stated even if CrossFit were to stay, there would be sufficient parking. Mr. McKenzie also stated he has never seen more than 30 cars at one time at CrossFit and he has never had more than 10 people in his gym at one time.

The following spoke in favor of the application: Mark Lundgren, Diane McKenzie, Connor O'Rourke, and Jody Lynn, all Town of Haddam residents. Each cited the following: great asset to the community, committed for the long term by purchasing the building, a positive environment, benefit to the community, and used by the seniors.

MOTION: Mr. Wallor closed the public hearing and opened the meeting at 7:13 p.m. Jamin Laurenza second. Motion carried unanimously.

Meeting: Mrs. Block asked about modifying the special permit because of the hours. Mr. Wallor stated he has verbiage giving the commission the right to review the parking, but doesn't have anything pertaining to the time. Mr. Laurenza stated the motion should reflect the hours of operation as requested by the applicant. Mr. Wallor noted that the agenda is incorrect in stating it's a 24/7 facility.

Mr. Warner recommended an amendment to add the old conditions and the new hours.

MOTION: Jamin Laurenza motion to approve a request for a special permit to change a non-conforming use to allow for a fitness gym in an existing facility at 66 Killingworth Road. Map 14 Lot 29-1. Applicant: Polke Grace Associates. **Conditions:** 1) Hours of operation, per the applicant, 4:00 a.m. to 11:00 p.m. – seven (7) days a week. 2) Conditions from previous Special Permit to follow this Special Permit: a) Signage not to exceed 2 foot by 3 foot placard sign to the existing signage. b) No additional outdoor lighting. c) The Commission reserves the right to require a modification of site plan review for parking adequacy should the training facility be expanded in excess of representations in July 1, 2012 letter written by Jeffrey Polke. Wayne LePard second. Motion carried unanimously.

2. Request for Special Permit to Convert Multiuse Commercial Building to Accommodate/House a Therapeutic and Wellness Center. 7 Island Dock Road. Map 26 Lot 007A. Applicant: West Wind LLC.

John Bennet, Esq., Thomas Metcalf, P.E. and L.S., and Michael Martin, representing West Wind LLC, were present.

Hearing: Mr. Wallor opened the hearing at 7:18 p.m.

Mr. Bennet reported during the fall, they had been before the Commission to increase the adjacent commercial zone to include the subject property and to amend the regulations to permit a therapeutic/wellness center use as a special permit use within the commercial zone (zoning text amendment and zoning map amendment approvals granted 5 December 2019). Mr. Bennet stated nothing has changed in terms of their statement of use and the proposal is the same as indicated last time – a therapeutic/wellness center, for-profit organization, operating under license of the State of Connecticut, and as the regulation requires with a certificate of need. Mr. Bennet stated they are proposing a 36 bed facility for adult women in need of therapeutic care, voluntary, no referrals, and are paying fees to be there. Mr. Bennet stated at some point he would like to address staff's comments.

Mr. Metcalf stated there is very little change to the property noting the structure was approved approximately 26 years ago. Mr. Metcalf reported there will be a minor addition to the back of the building for an

elevator and the only site work will be for the construction of a septic system and the reduction of the parking area. Mr. Metcalf stated the applicant is also proposing a privacy fence around the property – stockade fence to a stone wall with a metal fence above it along the street. Mr. Metcalf also stated the applicant will be working with a landscape designer to finalize the location for a pool (two possible locations shown) as well as an adjacent storage building and small gazebo in the area of the pool. Also proposed are a small greenhouse off the back of the building for clients use, an outdoor gazebo (Parmelee Road side of property), and storage building over by the existing garage (Parmelee Road side of property). Front parking will remain the same, but with a reduction of spaces.

Mrs. Batzner asked Mr. Metcalf to identify two blocks to the top right of the plan. Mr. Metcalf stated it's a pool location. Mr. Metcalf distributed the updated plans (Exhibit B; copy on file in the Town Clerk's Office with the minutes). Mr. Warner noted that there was a revision a couple of days ago and that the septic system and the well have to be reviewed by the State Health Dept. because of their size.

Mr. Metcalf stated due to the use of the property, state health dept. approval for the well and septic system are required and also submitted to the local health district. Mr. Metcalf stated the state was on the site the day of testing and doesn't anticipate any problems.

Reviewing the revised plan, Mr. Wallor asked Mr. Metcalf if the proposal calls for two gazebos. Mr. Metcalf stated yes, one by the pool and the second on the west side of the building. The gazebos will be open structures.

Mr. Chadwick asked if the facility will have a sprinkler system. Mr. Bennet and Mr. Metcalf stated yes.

Mr. Warner stated the building will be undergoing significant renovations. Mr. Metcalf stated they are currently working with an architect and the fire marshal, as well as the building official, for code compliance for the intended use.

Mr. Wallor asked the location of the existing well. Mr. Metcalf pointed it out (over to the west side of the building just under the proposed gazebo).

Mr. Bennet reviewed the recommended conditions of approval as outlined in Mr. Warner's comment letter, dated 5 March 2020, specifically addressing portions of the last condition: 1) Limitations on noise and outdoor activities. Mr. Bennet stated it's a residential facility and there will be no bands, it's not commercial in that respect, and do not expect there should be any concern. 2) Medical coverage. Mr. Bennet stated the facility will be staffed 24/7 with medical oversight. 3) Emergency Medical and Police calls – Mr. Bennet stated they do not expect anything different than the general population. Clients will not arrive in any sort of medical distress or medical need. They have certain therapeutic needs, but not physical medical needs. They do not expect clients to need an ambulance and be carried off someplace. 4) Fire Protection. Mr. Bennet stated sprinklers will be installed. 5) Lighting. Mr. Bennet stated the landscape architects will be handling this and will be in keeping with the regulations. 6) Erosion & Sediment Control (e&s). Mr. Bennet stated e&s is in the plan to at least the extent that's necessary. 7) Screening. Mr. Bennet stated the fence is being installed for some privacy as well as screening, but do not expect there will be a bunch of outside activity that's going to disturb the neighborhood noting that it is a commercial zone, except to the north. Mr. Warner stated the property is very well buffered from the residential in the back as there is a large hedge of arborvitae. Mr. Metcalf stated yes, there is a row of pines in the back. Mr. Warner confirmed with Mr. Bennet that he had indicated this was a for-profit. Mr. Bennet stated yes.

Mr. Martin stated patients will be driven to the facility and will not be arriving in their personal vehicles. Mr. Martin explained the process – a call is received, a car will be sent to pick the client up, it's a very controlled environment (all access points are controlled); clients are between the age of 18 to 35 predominantly, they are all in relatively good health, they have some issues that they need to deal with and they come to a facility such as this. Mr. Martin stated if there's an underlying issue, just like anyone else in society might have, they would be sent directly to the hospital.

Mr. Warner asked if there are standard operating procedures as to when 911 would be called. Mr. Martin stated yes, there is a procedures manual that covers from the point of intake to the point of discharge; and any client that's in peril 911 is called immediately. Mr. Warner made it clear the Town of Haddam does not have a police department, only resident state troopers that do not cover the town 24/7 and it only has a volunteer fire department. Mr. Martin stated the people coming to them are in need of treatment for substance abuse and need to be removed from the people, places, and things that have caused them to lose their moral compass. Mr. Martin stated there will be no police calls as the clients want help and they want to be productive members of society.

Mr. Laurenza asked if there was a landscape plan available. Mr. Bennet stated there is no detailed plan at this time as the plan is to clean the place up as there are some aspects of it that are overgrown and there is some need for some screening. Mr. Bennet again stated this is a private, for-profit organization and they are not going to clean the place up and they want it to be attractive and appealing. Mr. Bennet stated although they do not have a plan at the moment, they intend to produce one and are working with an architect from Essex who's going to assist in the conversion of the property.

In terms of the manual Mr. Martin had spoken about, Mr. Bennet showed a rather thick three ring binder that has all of the policies and procedures required by state licensing and stated he wouldn't recommend reading it. Mr. Bennet stated the Commission can be assured there are many more conditions than even Mr. Warner has suggested for the operation.

Mr. Chadwick asked about the employees and what their qualifications are. Mr. Martin stated medical doctors, nurses, nurse practitioners, and RNs.

Mrs. Block asked if patients will remain on site for the duration of their treatment. Mr. Martin stated yes, they will be confirmed to the property.

Mr. LePard asked if the fence is a privacy fence. Mr. Martin stated yes, because the property is on a public road they would like to afford these women some privacy while they're in recovery. Mr. Martin stated the town is beautiful and they would like to create a nice, quiet, private environment for them.

Mr. Farina asked Mr. Warner if he felt the fence would be objectionable to the Gateway Commission. Mr. Warner stated once they apply for their building permit and site plan approval, it will require a full detailed plan. Mr. Warner stated he believes the fence will be vinyl and it could be reviewed by Gateway at that time. Mr. Bennet stated the regulations indicate 6 feet and where there's a stone wall, the fencing will be shorter for a total of 6 feet. Mr. Warner stated as noted at the last meeting the property is within the Connecticut River Gateway Zone. Mr. Bennet understood. Mr. Farina stated he didn't want any problems with the Gateway Commission. Mr. Bennet asked Mr. Warner if the Gateway had reviewed the amendment. Mr. Warner stated yes.

Mark Lundgren stated it appears as if the operation will be a sizeable, good, healthy asset to the town and supports the proposal. Mr. Lundgren noted that at one time Mr. Metcalf was one of the best town engineer's the Town of Haddam had.

Mr. Wallor closed the hearing and opened the meeting at 7:34 p.m.

Meeting: MOTION: Jamin Laurenza motioned to approve a request for a special permit to convert a commercial office building to a residential therapeutic and wellness center at 7 Island Dock Road. Map 26 Lot 007A. Applicant: West Wind LLC. Ed Wallor second. **AMENDED SEE BELOW.**

Mr. Warner asked that the motion be amended to contain the conditions that he had suggested in his comment letter.

MOTION: Jamin Laurenza motioned to approve a request for a special permit to convert a commercial office building to a residential therapeutic and wellness center at 7 Island Dock Road. Map 26 Lot 007A. Applicant: West Wind LLC. **Conditions:** 1) The use shall be a private for-profit facility limited to no more than 36 clients. 2) The proposal shall be licensed by the State of Connecticut operating under appropriate certificate of need issued by the State of Connecticut. 3) The use shall adhere to all representations made by the applicant and its agents in the application and during the hearing including, but not limited to, limitations on noise, outdoor activities, medical coverage, emergency medical and police calls, lighting, fire protection, erosion & sediment control and landscape and screening. Ed Wallor second. Motion carried unanimously.

7. New Business:

There was no new business to discuss.

8. Approval/Correction of the Minutes

MOTION: Ed Wallor moved to approve the 20 February 2020 public hearing/meeting minutes as submitted. Mike Farina second. Motion carried with Mr. Laurenza abstaining.

9. Chairman's Report

There was nothing new to report at this time.

10. Scheduling of Hearings

There are no hearings scheduled at this time.

11. Town Planner's Report

There was nothing new to report at this time.

12. Adjournment

MOTION: Jamin Laurenza moved to adjourn. Wayne LePard second. Motion carried unanimously.

The meeting was adjourned at 7:38 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 19 March 2020.